

Testimony before the House Appropriations Commerce-Justice-Science  
Subcommittee

4/14/10

- Thank you Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee.
- I appreciate the opportunity to testify before you today.
- I will be discussing the need for necessary funding in the Fiscal Year 2011 CJS Appropriations Bill under the Department of Justice to implement the NICS Improvement Amendments Act.
- As you well know, the legislation was signed into law on January 8, 2008, after having passed both the House and Senate unanimously.
- I am pleased to be requesting this funding with my colleagues Representatives Dingell and Castle.
- Funding for this effort is supported by the Brady Center, Mayors Against Illegal Guns, and the NRA, as indicated by the letters of support submitted to the Committee.
- NICS is a national database system that flags individuals precluded under current law from purchasing and possessing firearms, however it is seriously flawed.
- MILLIONS of criminal records are currently missing from the databases that make up NICS due to funding restrictions and technology issues at the state level.
- Many states have not automated individuals' records concerning mental illness, restraining orders, or misdemeanor convictions for domestic violence.
- Simply put, NICS must be updated on the state level so that it can properly function on the federal level.
- The breakdown in the system is underscored by the circumstances surrounding shootings that have taken place around the country.

- For example, at Our Lady of Peace Church in my district- in Lynbrook NY in 2002, at Virginia Tech in April of 2007, and more recently at First Baptist Church in Merryville Illinois in 2009.
- Sadly, these scenarios continue to happen every day and will continue to happen unless we ensure that NICS has the most up-to-date records to stop criminals, those adjudicated as mentally ill, and those under a restraining order from purchasing firearms.
- The NICS Improvement Amendments Act requires all states to provide NICS with the relevant records needed to conduct effective background checks.
- It is the state's responsibility to ensure this information is current and accurate.
- They must update their records to ensure violent criminals do not have access to firearms.
- And then, they must share the information with NICS.
- This law distributes grants to states to update their records and provide those records to NICS.
- Approximately NINE-HUNDRED AND SIXTEEN THOUSAND individuals were precluded from purchasing a firearm for failing a background check between November 30, 1998, when NICS began operating, and December 31, 2004.
- During this same period, nearly 49 MILLION Brady background checks were processed through NICS.
- By providing this funding, we will move one step closer to bringing the records of millions of barred individuals into NICS.
- This law imposes no new restrictions on gun owners and does not infringe on the 2<sup>nd</sup> Amendment rights of law-abiding citizens.
- It simply makes improvements to a program that saves lives.

- I respectfully request that you include \$375 million in the Fiscal Year 2011 Budget Resolution under the Department of Justice in order to fully fund the NICS Improvement Amendments Act of 2007.
- I would also like to address the need for more resources for the Bureau of Alcohol, Tobacco and Firearms, or ATF, to be able to target gun traffickers and problematic gun dealers.
- I am pleased the President's budget includes more funding for the Southwest Border to deter cross-border trafficking to Mexico.
- However, we must also give ATF the tools it needs to do its job all around the country in dealing with gun trafficking and problematic gun dealers.
- Federal law currently allows ATF to conduct annual inspections of federally licensed dealers, but with the current lack of resources and funding, it would take the Bureau between 5 and 10 YEARS to properly inspect every licensed dealer in the country.
- This gap allows corrupt dealers to go for many years without being suspected or caught.
- To address this problem, I am requesting **\$65 million in additional funding** for ATF to hire more personnel, in order to increase the average inspection rate of gun dealers to three years.
- Specifically, ATF would be given the funding to hire at least 125 Investigators and 250 Agents to form investigative teams, tasked with tracking down and prosecuting gun traffickers around the country.
- ATF is already required to inspect federal explosive dealers every three years.
- We should be able to do at least this much for federal firearms licensees.
- Thank you for your time and for considering my requests.
- I would be happy to answer any questions you may have.